

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

MARCO LOPEZ JAIMES,

Petitioner,

v.

**CIVIL ACTION NO.: 3:23-CV-92
(GROH)**

R. BROWN,

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION

Now before the Court is a Report and Recommendation (“R&R”) issued by United States Magistrate Judge Robert W. Trumble. ECF No. 12. Pursuant to the Local Rules, this civil action was referred to Judge Trumble for submission of a proposed R&R. Judge Trumble issued an R&R on November 1, 2023, recommending (1) the Petitioner’s Petition for Habeas Corpus pursuant to 28 U.S.C. § 2241 [ECF No. 1] be denied and dismissed with prejudice and (2) the Respondent’s motion to dismiss [ECF No. 8] be terminated as moot. Id.

Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court is required to make a de novo review of those portions of the magistrate judge’s findings to which objection is made. However, the Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. Thomas v. Arn, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of de novo review and of

the Petitioner's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); Snyder v. Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989); United States v. Schronce, 727 F.2d 91, 94 (4th Cir. 1984).

Objections to Magistrate Judge Trumble's R&R were due within fourteen plus three days of the Petitioner being served with a copy of the same. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). However, mail sent to the Petitioner at his current address was returned as undeliverable on November 28, 2023. ECF No 14. Further, as Magistrate Judge Trumble's R&R highlights, the Petitioner was released from custody on October 12, 2023.¹ Under this Court's Local Rules, all *pro se* prisoner litigants must notify the Court "within ten (10) days of the change of address." LR PL P 6. "Failure to notify the Clerk of Court of an address change will result in dismissal of the prisoner's case." Id.

As of the date of this Order, no objections have been filed. Therefore, the Court finds that the deadlines for the Petitioner to update the Court of his change of address and to submit objections to the R&R have passed. Accordingly, this Court will review the R&R for clear error.

Upon careful review of the R&R, it is the opinion of this Court that Magistrate Judge Trumble's Report and Recommendation [ECF No. 12] should be, and is hereby, **ORDERED ADOPTED**. For the reasons more fully stated in the R&R, the Petitioner's Petition for Habeas Corpus pursuant to 28 U.S.C. § 2241 [ECF No. 1] is **DISMISSED WITH PREJUDICE**. Moreover, the Respondent's motion to dismiss [ECF No. 8] is **TERMINATED AS MOOT**.

The Clerk of Court is **DIRECTED** to **STRIKE** this case from the Court's active

¹ See Federal Bureau of Prisons Inmate Locator, <https://www.bop.gov/inmateloc/>.

docket. The Clerk is **FURTHER DIRECTED** to transmit a copy of this Order to all counsel of record and maintain a copy of this Order should the Petitioner update his address.

DATED: January 4, 2024


GINA M. GROH
UNITED STATES DISTRICT JUDGE